



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,560	11/14/2003	Richard Bussiere	ENI-037	8242
35557	7590	05/27/2009		
CHRIS A. CASEIRO VERRILL DANA, LLP ONE PORTLAND SQUARE PORTLAND, ME 04112-0586			EXAMINER BROWN, CHRISTOPHER J	
			ART UNIT 2439	PAPER NUMBER
			MAIL DATE 05/27/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,560

Applicant(s)

BUSSIERE ET AL.

Examiner

CHRISTOPHER J. BROWN

Art Unit

2439

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-15,29,30 and 32-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-15,29,30 and 32-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/27/09 have been fully considered but they are not persuasive. Applicant argues that Whelan does not teach policies and only rules. The examiner respectfully disagrees, and asserts that this is a measure of semantics. The applicant admits as much by stating the present invention is directed to changing policies which will result in changes in rules. Examiner asserts that Whelan teaches a policy of open access, and if an intrusion is detected, it changes its policy to ban the specific client from the network. Whelan teaches changing the rules for this change in policy.

Applicant argues that Wehlan does not teach saving/checking policies, but as stated above the policies are made up of rules, and Wehlan teaches storing rules.

Applicant's arguments with respect to claims 4, and 32 have been fully considered and are persuasive

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Whelan US
2004/0003285.**

As per claims 1, and 30, Whelan teaches establishing signal transfer policies for each of a plurality of interconnection devices of the network system (prevent network traffic flow from certain access points) [0039]. Whelan teaches monitoring the network for intrusions (determines whether authorized) [0036]. Whelan teaches changing one or more signal transfer policies of one or more of the plurality of interconnection devices in response to the one or more detected intrusions (if unauthorized disables or reroutes communications) [0039]. Whelan teaches allowing one or more users to access a selectable portion of network services based on a policy established in the connection devices (authorized devices are connected) [0024], [0046], [0047].

Whelan teaches excluding a policy enforcement module for effecting its own signal transfer policy changes via the fact that the instructions for change originate with the network monitor.

Whelan teaches identifying one or more sources of the intrusions including the physical or logical address (rouge access point) [0036] [0047].

As per claim 3, Whelan teaches identifying one or more sources of the intrusions including the physical or logical address (rouge access point) [0036].

As per claim 5, 38 Whelan teaches employing an IDS (network monitor) [0024].

As per claim 8 Whelan teaches identifying one or more of the plurality of devices associated with the one or more sources of the intrusion including determining the addresses of the devices (reroutes other network devices to prevent traffic from rouge element) [0039].

As per claim 9, 29, 41 Whelan teaches verifying the identification of the source (verification of rouge access point) [0038].

As per claim 10, Whelan teaches the device to block access [0039].

As per claims 12, and 13 Whelan teaches configuring a first set of network devices with policy and after an intrusion configuring a second set of policy (normal behavior until an intrusion, and then blocking access) [0039].

As per claim 14, 39 Whelan, teaches the device is a network entry device (access points connected to rouge mobile units) [0046].

As per claim 15, Whelan teaches configuring ports [0039], [0041].

As per claim 28, 40 Whelan teaches identifying the address of both the source and the network entry device (send instructions to the device to block the address of the source) [0047].

As per claim 33 Whelan teaches a directory service function for receiving address information (checks tables) [0034].

As per claim 34 Whelan teaches a policy manager function to configure devices [0039]

As per claim 35 Whelan teaches utilizing the directory service to evaluate whether a policy change is required [0036].

As per claim 36, 37 Whelan teaches the system is centralized network monitor [0011].

As per claims 42, and 44 Whelan teaches gaining access through the interconnection device to which they are connected [0024]

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Whelan US 2004/0003285 in view of Baffes US 2004/0111636

As per claim 11, Whelan does not teach allowing activity and collecting forensic evidence.

Baffes teaches allowing an intrusion to a honeypot in order to collect forensics evidence [0038]. It would have been obvious to one of ordinary skill in the art to use the method of Baffes in the system of Whelan in order to further investigate the source of intrusions.

Claims 43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whelan US 2004/0003285 in view of Day IS 2004/0025044

As per claims 40, and 45, Whelan teaches a central policy server.

Day teaches that a system may be centralized or distributed [0053].

It would have been obvious to one of ordinary skill in the art to replace the centralized server of Whelan with the distributed system of Day because it prevents failure at a single point.

Allowable Subject Matter

As per claims 4, and 32, 46 are objected to as being dependent on independent rejected claims, but would be allowable if rewritten in independent form including the limitations of all intervening claims

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER J. BROWN whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J Brown/
Primary Examiner, Art Unit 2439

5/20/09